IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 176 of 2006

LALA RAM
V/S
SMT. AYODHYA DEVI

Mr. R.K.THANVI, for the appellant / petitioner

Date of Order : 25.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned judgments.

The two learned courts below have found that the appellant has encroached upon the land soon before filing of the suit, and the question of title has been gone into, and has been decided against the appellant by both the learned courts below.

In my view, the findings recorded are pure finding of fact which are not shown to have been vitiated on any of the grounds available under Section 100 C.P.C. The appeal is, therefore, dismissed summarily.

At this stage, learned counsel for the appellant

prays for some time to be granted to vacate the possession. In my view, since the decree of the learned lower Appellate Court is as old as November, 2003, the possession may have been received by the decree holder. If, however, the possession has not been received from the appellant so far, then the appellant is granted six months' time to deliver the vacant possession of the property to the plaintiff.

(N P GUPTA),J.

/Sushil/